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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,983	08/30/2001	Yuri Galperin	EXP.046A	7664

20995 7590 03/19/2007  
KNOBBE MARTENS OLSON & BEAR LLP  
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FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/942,983	GALPERIN ET AL.	
	Examiner	Art Unit	
	Siegfried E. Chencinski	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-136 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. **Claims 21-136 are rejected on the ground of nonstatutory obviousness-type double patenting** as being unpatentable over claims 1-14 of U.S. Patent No. 6,185,543 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between loans and debt is obvious. The expressions "loan" and "debt" in the financial arts are virtually interchangeable. For example, Barron's Dictionary of Finance and Investment Terms Fifth Ed., 1998, defines loan amortization as "reduction of debt". In this vein, the broadening in the disclosure to explicitly include various other types of debt beyond home mortgage debt for the purpose of determining prepayment propensity was obvious to the ordinary practitioner of the art at the time of Applicant's invention.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 21-30 are rejected** under 35 U.S.C. 102(b) as being anticipated by Galperin et al. (US Patent 6,185,543 B1, hereafter Galperin).

**Claim 21**, Galperin anticipates a method, using a computer system, for evaluating debtor risk based on calculation of consumer prepayment scores, comprising:

- storing demographic information in data storage (Fig. 2);
- calculating a prepayment score using a system configured to calculate a prepayment score based at least in part upon said demographic information (Abstract, I. 9); and

Art Unit: 3692

- evaluating debtor risk based on the prepayment score (Abstract, l. 9, 14, evaluation is inherent).

**Re. Claims 22-30**, Galperin anticipates:

**Re. Claim 22**, wherein said demographic information relates to applicant information from consumer applications (Abstract).

**Re. Claim 23**, wherein said applicant information relates to applicant names, addresses or social security numbers (Col. 6, l. 38).

**Re. Claim 24**, wherein said demographic information relates to prepayment historical data of consumer demographic groups (Col. 6, 43-45).

**Re. Claim 25**, wherein said demographic information relates to econometric historical data of consumer demographic groups (Col. 6, ll. 50-60; Fig. 5).

**Re. Claim 26**, wherein said econometric historical data includes information related to age, income, credit rating or occupation (Col. 8, l. 60).

**Re. Claim 27**, wherein said applicant information includes demographic applicant information on a granular or individual level (Col. 6, ll. 42-44; Fig. 4).

**Re. Claim 28**, wherein said applicant information includes demographic information on a pooled or blocked level (Col. 4, l. 39).

**Re. Claim 29**, wherein said applicant information includes *applicant names, addresses, social security* numbers or other information (Col. 6, l. 38).

**Re. Claim 30**, wherein said prepayment score is based at least in part upon information related to applicant age, income, credit rating or occupation (Col. 8, l. 60).

**Claim 37**, Galperin anticipates a method for evaluating debtor risk by calculating consumer prepayment scores, comprising:

- obtaining consumer demographic information (Abstract, ll. 4-5. The obtaining is inherent);
- calculating a prepayment score using a system configuration to calculate a prepayment score based on a summation formula wherein T represents time and P represents prepayment based at least in part upon said demographic information (Col. 7, ll. 35-40); and

Art Unit: 3692

- evaluating debtor risk based on the prepayment score (Abstract, I. 9, 14, evaluation is inherent).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 31-35 and 38-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galperin.**

**Re. Claims 31-35 and 38-136,** Galperin does not explicitly disclose a method and system for evaluating debtor risk by calculating consumer prepayment scores. However, the expressions "loan" and "debt" and lender and debtor and the many kinds of loans and debt and related instruments used in the financial arts are virtually interchangeable. For example, Barron's Dictionary of Finance and Investment Terms Fifth Ed., 1998, defines loan amortization as "reduction of debt". In this vein, the broadening in the disclosure to explicitly include various other types of debt beyond home mortgage debt for the purpose of determining prepayment propensity was obvious to the ordinary practitioner of the art at the time of Applicant's invention. All detailed limitations in the independent claims and in the dependent claims were obvious to the ordinary practitioner. The motivation for the ordinary practitioner's application of Galperin's disclosures in US Patent 6,185,543 B1 would have been to enable assessment of the value of the mortgage or other debt instrument for an investor and to allow the creation of customized loan products keyed to the financial behavior of the consumer-borrower (Galperin, Col. 1, ll. 9-14).

Art Unit: 3692

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks, Washington D.C. 20231**

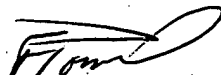
or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 13, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692